



AMENDED MINUTES

NEIGHBORHOOD ENHANCEMENT COMMISSION REGULAR MEETING

Wednesday, October 5, 2005
Civic Center Conference Room
3rd Floor, One Civic Center
7447 E. Indian School Road

PRESENT:

John Shultz, Chairman
Patricia Badenoch, Vice Chair
Lisa Haskell, Commissioner (departed at 7:09 p.m.)
John Horwitz, Commissioner
Jim Pompe, Commissioner (departed at 6:22 p.m.)
Christine Schild, Commissioner

STAFF:

Raun Keagy
Joanie Mead

GUESTS:

Applicants as noted below
Nancy Cantor
Mike Merrill

CALL TO ORDER/ROLL CALL

Chairman Shultz called the meeting to order at 5:32 p.m. A roll call confirmed the presence of Commissioners as noted above.

1. Approval Of September 7, 2005 Minutes

VICE CHAIR BADENOCH MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 7, 2005 MEETING. COMMISSIONER SCHILD SECONDED THE MOTION, WHICH CARRIED WITH A UNANIMOUS VOTE OF 6 (SIX) TO 0 (ZERO).

2. Villa La Playa

Request from residents of Villa La Playa subdivision for clarification of the Neighborhood Enhancement Commission's determination on July 20, 2005 that subdivisions/neighborhoods within a Property Owners Association fall into the same guidelines as a Homeowners Association for Neighborhood Enhancement

Partnership (NEP) funding requests. This is a follow-up discussion from the September 7, 2005 meeting.

Chairman Shultz asked whether staff had any updated information. Mr. Keagy reported that staff had met with legal staff and reviewed how the Commission has handled these matters in the past, and also looked at the guidelines. Legal staff believe that the Commission's determination is consistent with the Commission's past actions. Reference was made to Scottsdale Ranch.

Mr. Masich of Villa La Playa addressed the meeting. He stated that they feel they are a neighborhood group. They pay a nominal monthly fee for grass cutting and landscaping, but have no other mechanism to collect money for neighborhood improvements.

Chairman Shultz noted that based on the legal advice staff had received, the Commission's hands are tied. He thanked Mr. Masich and Mr. Fogleman for coming and encouraged them to apply for the HOA application in November. Ms. Mead added that should Villa La Playa decide to submit an HOA application, the requirement to attend the orientation workshop would be waived.

Mr. Keagy noted that due to the number of applications being heard, applicants were waiting outside and would come in for their hearing one case at a time.

**3. Ranch Highlands Estates
Presentation and possible Commission action on a Neighborhood Enhancement Partnership request from Ranch Highlands Estates
(NG 2-05). This is a continuation from the September 7, 2005 meeting.**

Ms. Foster and Ms. Karow presented material to the Commission, reporting that 81 percent of the homes have contributed so far; an increase of seven homeowners since September. The current plan is to paint the perimeter wall and wrap the color around the edge of the wall that fronts the wash. The application also requests two signs. The paint color is to be changed to a more contemporary beige shade. There is a \$71 fee to the Planning Department for changing the paint color.

Commissioner Schild said she discussed this application with three Council members. She does not believe this is an eligible project because painting is routine maintenance. She noted the miles of unmaintained walls in the City, remarking that this could set a precedent.

Ms. Foster remarked that making the applications and collecting funds from the neighborhood was a lot of work, which would deter many neighborhoods from applying.

Commissioner Schild restated her opinion that the painting and wall repairs are maintenance and as such do not fall under the current Commission guidelines. She expressed support for the signage portion of the application, which is a capital improvement.

Commissioner Horwitz reported having viewed the site and expressed support for approval of the application.

Commissioner Haskell said she understood Commissioner Schild's concern but recalled a previous case where a grant had been given to paint a wall. Ms. Mead explained that in that particular case, the wall had never been painted before.

Chairman Shultz reminded the meeting that the Commission has some discretion when making its decisions.

Vice-Chair Badenoch stated that she was very impressed with the participation the Applicants had been able to obtain and she would therefore support the project.

Commissioner Horwitz noted that the Applicants had done an amazing job obtaining participation and urged the Applicants to try to persuade the remaining neighbors to participate. Ms. Karow felt this was unlikely.

Vice-Chair Badenoch opined that based on previous decisions and the level of participation, the Commission should support the application.

Commissioner Schild commented that she was not on the Commission when it had granted funds for painting a wall. Had she been, she would have voted against the project.

Chairman Shultz noted that he concurred with Commissioner Pompe. He would like to exhaust the Commission's budget as quickly as possible. He understood Commissioner Schild's point of view. The guidelines need to be addressed.

COMMISSIONER POMPE MADE A MOTION TO GIVE THE RANCH HIGHLANDS ESTATES \$7,475 PLUS THE COST OF THE \$71 APPLICATION TO THE PLANNING & DEVELOPMENT SERVICES DEPT. FOR A TOTAL OF \$7,546. VICE-CHAIR BADENOCH SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF 4 (FOUR) TO 2 (TWO). COMMISSIONERS SCHILD AND HASKELL DISSENTED.

4. Yavapai Elementary School
Presentation and possible Commission action on a Neighborhood Enhancement Partnership request from Yavapai Elementary School.
(NG 3-05)

Mr. Bland, Plant Manager at Yavapai Elementary School, addressed the Commission. Others appearing on behalf of the school application were Ms. Henshaw, Mr. Henshaw and Ms. Ellertson.

Mr. Bland remarked that a great deal of thought and care went into the application for the needs of the school's garden club. The establishment of the desert garden had effected the biggest change in the school that he had seen in his 20 years of employment. He noted that the students have a sense of pride and accomplishment.

Commissioner Haskell reported visiting the garden and was very impressed with the level of involvement and enthusiasm. This is the type of project the Commission should be funding because of the level of community and student participation. Produce from the garden is given to Vista del Camino.

Ms. Henshaw is a lifelong gardener who volunteers at the school. She noted that all of the students had been involved in gardening and cooking. The garden is visible to visitors who check-in at the school office.

Vice-Chair Badenoch said she loves the community support and will be supporting the application.

Commissioner Schild noted that this was the most comprehensive vegetable garden in the school district. She would abstain from voting on this and the following application because of a conflict.

Commissioner Horwitz commented that this is a great project.

Chairman Shultz opined that this was a fantastic application. He would be abstaining from this vote because his wife is a teacher for the school district.

Commissioner Haskell expressed support for the application.

VICE-CHAIR BADENOCH MADE A MOTION TO AWARD YAVAPAI ELEMENTARY SCHOOL \$2,458.60. COMMISSIONER POMPE SECONDED THE MOTION WHICH CARRIED BY A VOTE OF 4 (FOUR) TO 0 (ZERO) WITH COMMISSIONER SCHILD AND CHAIRMAN SHULTZ ABSTAINING.

5. Pima Elementary School
Presentation and possible Commission action on a Neighborhood Enhancement Partnership request from Pima Elementary School. (NG 4-05)

Ms. Mensch addressed the Commission on behalf of the Applicants. Ms. Fulford, Ms. Peterson, Ms. Perleberg, Mr. Curtis, and Mr. and Ms. Casalena were also present. In addition, many students who attend Pima Elementary School were present.

Ms. Mensch presented the project, noting that the goals are to beautify the school with trees and new landscaping so that the school and neighborhood can enjoy the surroundings.

Commissioner Schild commented that Pima Elementary is in need of beautification, and that landscaping will improve not only the school but the entire neighborhood.

In response to a question from Chairman Shultz, Ms. Mensch reported that they had applied for a grant with the Shea Foundation for the campus and were awarded a grant for a shade structure. They had received 10,000 square feet of turf from Bank One Ballpark thanks to connections of the Casalenas. The PTO had installed a sprinkler system for the landscaping.

Vice-Chair Badenoch asked whether they had obtained an agreement from the school district before applying to the Commission. Ms. Mensch confirmed that an agreement had been obtained and that she would approach the school district for maintenance funding.

COMMISSIONER HORWITZ MOVED TO APPROVE THE PIMA ELEMENTARY SCHOOL APPLICATION FOR AN AWARD OF \$4,198. THE MOTION WAS SECONDED BY COMMISSIONER POMPE AND CARRIED UNANIMOUSLY BY A VOTE OF 4 (FOUR) TO 0 (ZERO), WITH COMMISSIONER SCHILD AND CHAIRMAN SHULTZ ABSTAINING.

6. Scottsdale Baptist Church
Presentation and possible Commission action on a Neighborhood Enhancement Partnership request from Scottsdale Baptist Church.
(NG 5-05)

Mr. Yancy appeared on behalf of the Applicant. He explained that the project is a meditation garden and noted that some green foliage needs to be removed.

Chairman Shultz remarked that the application was very well done.

Commissioner Haskell asked if the Commission has ever funded a project for a church in the past. Chairman Shultz recalled that the Commission awarded a grant to the Presbyterian Church at Oak and Hayden.

Commissioner Schild opined that a church is a community member, the same as a homeowners association or a school. The Commission must remain neutral and not consider religion as part of the package. She asked if the meditation garden will be available for public use. Mr. Yancy replied that the church is contacting neighbors to inform them of the garden.

Commissioner Haskell noted that she will abstain from voting because the church has allowed her to hold meetings there, free of charge.

In reply to a question from Chairman Shultz, Mr. Yancy confirmed that the Church meeting rooms are available for community use free of charge.

Vice-Chair Badenoch noted that the church is community-oriented and not just confined to its congregation.

Mr. Keagy clarified that declaring a conflict of interest is a matter for the individual.

Commissioner Haskell added that she is familiar with the area, which is currently very barren. She asked whether the garden would be accessible to the public given the wrought iron fence to be placed around it. Mr. Yancy stated that the fence is designed not to be perceived as a barrier.

Commissioner Horwitz asked staff whether funding a religious organization was permissible from a City perspective. Mr. Keagy noted that a precedent was set a number of years ago and suggested that considering whether a proposal is a community-based project is probably the most sensible approach.

Commissioner Schild considered the project to be community-based.

COMMISSIONER SCHILD MADE A MOTION TO AWARD SCOTTSDALE BAPTIST CHURCH THE AMOUNT OF \$6,078.52 TO FUND THE MEDITATION GARDEN. VICE-CHAIR BADENOCH SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF 4 (FOUR) TO 0 (ZERO), WITH COMMISSIONERS HASKELL AND HORWITZ ABSTAINING.

Announcement

Chairman Shultz announced that this was his last Commission meeting. He has taken a new position with City of Glendale and is unable to continue as a member of the Commission.

The Commissioners thanked Chairman Shultz for his four years of service to the Commission.

7. NEP Program Guidelines changes **Discussion and possible Commission action on changes to the Neighborhood Enhancement Partnership (NEP) Program guidelines and application process.**

Mr. Keagy informed the Commissioners that this would be an ongoing discussion. The Commission embarks on this process roughly every two years, and the last time was September of 2003. He outlined what had been done in the past, noting that sometimes the entire Commission reviewed the guidelines over the course of several meetings, while on other occasions a sub-committee reviewed the guidelines.

Mr. Keagy introduced Nancy Cantor and Mike Merrill. Ms. Cantor is a founding member of the Commission. Mr. Merrill is an interested Scottsdale citizen.

Mr. Keagy noted that some parts of the guidelines will be quicker to review than others. Areas that he felt would need scrutiny included: who can apply; types of projects that are eligible; funding amounts. The approach to be taken is at the pleasure of the Chairman and the Commission.

Commissioner Schild, as a new commissioner, noted that the guidelines do not define "neighborhood." Chairman Shultz recalled that the Commission had struggled with that question at the last revision.

Commissioner Schild thought that a definition that would address the goals of the Commission could be crafted. Issues like the Villa del Playa application could be addressed through the question of what constitutes a neighborhood. "Neighborhood group" should be defined, not necessarily in relation to the "neighborhood," but more in relationship to the "group." At present, a "neighborhood group" is defined as a neighborhood that is organized voluntarily, but there is no definition of "neighborhood." A "neighborhood group" could be defined as a group of homeowners that live within a recognized area or a civic organization that supports a recognized area. The definition is in relation to the people that constitute the group, rather than the geographic location of the neighborhood. Church organizations and scout groups could fit this definition.

Commissioner Pompe commented that with his professional background he thinks of a neighborhood as a subdivision, but in everyday speech, people refer to, for example, the

Tonalea neighborhood, and are thinking of numerous subdivisions who identify with the school.

Commissioner Schild said that a "neighborhood" could be defined as some contiguous area with recognized boundaries. It would be up to the applicant to show that they fall within that definition. She suggested that there could be more than one definition of neighborhood. The definition could be: "A neighborhood includes the following..." with a series of alternatives. She further suggested that applications could be permitted from either "neighborhoods" or "neighborhood groups." It would be possible to qualify for funding either as a "neighborhood group" or as a "neighborhood."

Chairman Shultz recalled that the Commission had wanted to make a broad definition of "neighborhood." He liked the idea of defining "neighborhood group." He suggested keeping the definition of "neighborhood" very broad.

Commissioner Schild pointed out that there currently is no definition of "neighborhood" in the guidelines.

Mr. Keagy remarked that everyone has a different definition of neighborhood.

Ms. Cantor agreed, adding that neighborhood safety is a prime concern to most people. In her community work with multi-family housing developments, she has seen that there are issues with lighting and landscaping in the light of safety concerns. Most of the communities are not formally organized, yet they need help. They cannot meet the criteria for crime-free multi-family housing because their lighting is not up to standard.

Vice-Chair Badenoch suggested eliminating the word "neighborhood" and use the word "community" instead. A discussion ensued. Vice-Chair Badenoch opined that the bottom line is safety first and enhancement second.

Commissioner Horwitz wondered if the most important thing was to keep the definitions as broad as possible, so that the Commission would have flexibility to award the greatest possible amount of money to help the citizens of Scottsdale.

Ms. Cantor opined that there needs to be more outreach to renters and landlords. Working with property managers is helpful, but there also needs to be buy-in from the owner.

Mr. Merrill recommended that a sub-committee be established to review the guidelines and that a long-term Commission member should be appointed to it for their background knowledge. Mr. Keagy acknowledged that this is how it had been done in the past, noting that a sub-committee would be able to meet more frequently and get in-depth thinking on this topic.

Commissioner Schild agreed with Commissioner Horwitz that definitions should be kept as broad as possible .

Vice-Chair Badenoch suggested that perhaps the scope could be broadened by calling it "community enhancement." She stated that the Commission is trying to do outreach and improve Scottsdale by awarding grants for projects that otherwise the neighbors cannot afford. HOAs can often afford to do projects. Chairman Shultz noted that the Commission has wrestled with the question of HOAs from its inception. Vice-Chair

Badenoch noted she is still looking for definitions of "Homeowners Association," "Property Owners Association" and "Community Association."

Mr. Keagy noted that the Commission has the ability to define individual groups and fine-tuning the guidelines can ensure that the Commission is able to focus their help where it is most needed.

Commissioner Shultz wondered if the Commission may be unintentionally turning people away who read the current guidelines and feel that they are not part of a recognized neighborhood.

Ms. Cantor described the work she is doing in Phoenix and how they network within a neighborhood.

Commissioner Schild suggested that maybe the guidelines should define the types of projects that are eligible. Ms. Cantor remarked that that would create other issues. The Commission is the missing link in a lot of areas for the City. She would like to see the Commission out meeting in the community rather than staying in the boardroom, even going door to door in neighborhoods.

Mr. Merrill described a situation where neighbors were dissatisfied with the canal, which is City property. He felt that the Commission needs to be involved in this type of situation. Even if the improvements were paid from another department's budget, the Commission needs to meet with the neighbors.

Mr. Merrill suggested that the Commission's budget be allocated to HOA and non-HOA projects. Money not awarded to non-HOA plans could be spent at the Commission's discretion even if the neighborhood concerned did not have an organized group. Chairman Shultz remarked that City Council has reclaimed unspent funds from the Commission's budget and the Commission would welcome the opportunity to do this kind of outreach project.

Mr. Keagy suggested that the Commission focus on the question of the Commission's mission and goals; specifically: Should the NEP Program even exist? Should the matching fund program continue?

Discussion ensued. Commissioner Schild remarked that there is value in having projects initiated by the community. Commissioner Haskell said she believes it is very important to do outreach into the community.

Mr. Keagy noted that his question had been intended to provoke discussion. He personally thinks it is a valid program. Typically, for every dollar awarded by the Commission, the community is putting in three. Ms. Cantor added that it sends a message to the City that this issue has been addressed. She is pleased by the progress made by the Commission.

Mr. Keagy stated that historically the Commission has not accepted applications from for-profit groups, which means that private sector rental complexes are ineligible. The Commission could opt to change this in the future; however, very specific guidelines would be required in order to do so.

Commissioner Schild suggested that funding for private sector rental complexes might be limited to Commission-driven projects. Ms. Cantor noted that meeting the lighting requirements is typically the biggest hurdle for being accepted into crime-free multi-family housing.

Ms. Cantor mentioned the case of an apartment complex that had been converted to condominiums and suggested that there should be a mechanism for helping landlords.

Chairman Shultz expressed opposition to giving funds to landlords; however, if the Commission were to decide to do this, stipulations would need to be in place to ensure performance, with major fines as a sanction.

Commissioner Schild envisions the Scottsdale Police Department or code enforcement coming to the Commission with cases. Chairman Shultz opined that strict code enforcement is the only way to deal with these issues. He urged the Commission to think twice before opening up the criteria to multi-family for-profit housing.

Mr. Merrill expressed hope that a sub-committee will be formed to look at the guidelines and give serious consideration to expanding the guidelines to involve the Commission more in the redevelopment of the communities in south Scottsdale. He hoped to see the Commission become more of an active partner with the communities and projects and find ways to do projects in communities, even though there is no organized neighborhood group.

Discussion ensued regarding the formation of a sub-committee. An e-mail is to be sent asking Commissioners if they are interested in serving and a sub-committee of three Commissioners will be selected.

8. Staff and Commission updates

Commissioner Horwitz suggested changing the Commission's meetings from Wednesday to a different day to accommodate Chairman Shultz's new work schedule. Chairman Shultz agreed to consider the option and expressed enjoyment in working on the Commission. Commissioner Horwitz remarked that it would be hard to replace him; he brings intelligent input to the Commission and handles the press well. Commissioner Schild noted that a bylaw change would be needed.

Chairman Shultz said he was honored by this suggestion.

Ms. Mead distributed a document reflective of the accounting information for 2004-2005. She added that staff receive monthly updates of the NEP account current balance and explained what is and is not included on the balance sheet.

Commissioner Horwitz noted that the Water Department is currently reimbursing up to \$250 for water saving devices.

With regard to the budget information, Mr. Keagy noted that there were funds carried over from the previous fiscal year. Vice-Chair Badenoch requested a line-by-line accounting clearly showing how much unencumbered money is left for the Commission to spend. Mr. Keagy undertook to provide Commissioners with the staff's best available information.

Commissioner Horwitz requested staff to ask the legal department to revisit the issue of giving to churches, temples, and mosques. His reading of some recent cases led him to wonder whether the Commission can avoid the mixing of church and state merely by giving to several religious organizations all at the same time, without discrimination. This concern had prompted him to abstain from voting on the Scottsdale Baptist Church.

Mr. Keagy reminded the Commission of the importance of staying on topic and following the agenda. Commissioner Horwitz's request was made at the appropriate time in the meeting. Chairman Shultz agreed and thanked Mr. Keagy for his comments.

Ms. Mead thanked Commissioners Schild, Haskell, Pompe, and Vice-Chair Badenoch who had attended the GAIN kick-off event.

9. Open Call to Public

No members of the public wished to address the Commission. Residents Cantor and Merrill had participated in discussion on Item #7 (NEP Program Guidelines changes).

10. Next Meeting

Chairman Shultz said he could not commit to continuing to serve as Chair until he has checked with his new employer, even if the meeting night were to be changed. He suggested holding the next meeting at the regularly appointed time.

Ms. Mead advised that a new Commissioner will be appointed in mid-October and is expecting to attend meetings on Wednesdays. The next regular meeting for the Commission is Wednesday, November 2, 2005. The December meeting will be an all-HOA meeting.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 7:45 p.m.

Respectfully submitted,
AV-Tronics, Inc.